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APPLICATION NO.	FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. 8442	
09/752,360	12/29/2000		Jun Akedo	F0285		
7	590	06/05/2003				
Martin A. Far	ber		EXAMINER			
Suite 473 866 United Nations Plaza				RACHUBA, MAURINA T		
New York, NY 10017			ART UNIT	PAPER NUMBER		
				3723	7	
				DATE MAILED: 06/05/2003	(

Please find below and/or attached an Office communication concerning this application or proceeding.

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3 /	•		Application	n No.	Applicant(s)				
			09/752,36	0	AKEDO, JUN				
		Office Action Summary	Examiner		Art Unit				
			M Rachub		3723				
Peri		The MAILING DATE of this communication r Reply	n appears on the	cover sheet w	ith the correspondence addre	:SS			
-	A SHO FHE IN Exter after If the If NO Failu Any r	ORTENED STATUTORY PERIOD FOR R MAILING DATE OF THIS COMMUNICATION sions of time may be available under the provisions of 37 C SIX (6) MONTHS from the mailing date of this communication period for reply specified above is less than thirty (30) days, period for reply is specified above, the maximum statutory pre to reply within the set or extended period for reply will, by eply received by the Office later than three months after the did patent term adjustment. See 37 CFR 1.704(b).	ON. FR 1.136(a). In no even on. The areply within the statueriod will apply and wistatute, cause the apple.	ent, however, may a story minimum of thin story expire SIX (6) MON ication to become A	reply be timely filed ty (30) days will be considered timely. NTHS from the mailing date of this comm BANDONED (35 U.S.C. § 133).	nunication.			
	1)	Responsive to communication(s) filed on	n						
28	a) 🔲	This action is FINAL . 2b)	This action is	non-final.					
;	3)[Since this application is in condition for a				nerits is			
Disp	ositi	closed in accordance with the practice un on of Claims	nder <i>Ex par</i> te Q	<i>uayl</i> e, 1935 C.	D. 11, 453 O.G. 213.				
4)⊠ Claim(s) <u>1-22</u> is/are pending in the application.									
4a) Of the above claim(s) is/are withdrawn from consideration.									
		Claim(s) is/are allowed.							
	6)☐ Claim(s) is/are rejected.								
		Claim(s) is/are objected to.							
	, —	Claim(s) <u>1-22</u> are subject to restriction an on Papers	d/or election req	juirement.					
• •		The specification is objected to by the Exa	miner						
	-	The drawing(s) filed on is/are: a)□		objected to by	the Examiner.				
.,	لساره	Applicant may not request that any objection							
1	1)[The proposed drawing correction filed on _							
	,—	If approved, corrected drawings are required							
1:	2)□	The oath or declaration is objected to by the	ne Examiner.						
Prio	rity (ınder 35 U.S.C. §§ 119 and 120							
1:	3)□	Acknowledgment is made of a claim for fo	oreign priority un	der 35 U.S.C.	§ 119(a)-(d) or (f).				
	a)	☐ All b) ☐ Some * c) ☐ None of:							
		1. Certified copies of the priority docu	ments have bee	n received.					
		2. Certified copies of the priority docu	ments have bee	n received in A	Application No				
	* 5	3. Copies of the certified copies of the application from the Internation See the attached detailed Office action for	al Bureau (PCT	Rule 17.2(a)).		age			
14) [<i>A</i>	Acknowledgment is made of a claim for do	mestic priority u	nder 35 U.S.C	. § 119(e) (to a provisional ap	oplication).			
1:	a) ☐ The translation of the foreign language provisional application has been received. 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.								
	:hmen	•	, , , , .						
1) [2) [3) [Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-94 mation Disclosure Statement(s) (PTO-1449) Paper N			Summary (PTO-413) Paper No(s). Informal Patent Application (PTO-1				

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01) Application/Control Number: 09/752,360

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-13, drawn to a method and apparatus for planarizing a film, classified in class 451, subclass 54.
 - II. Claims 14-22, drawn to a method and apparatus for spraying planarizing particles at a film, classified in class 451, subclass 38.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation. Group I planarizes using "rolls, scrapes, grinds or polishes" as set forth in claim 5. Group II uses a nozzle to "blow" particles at the film.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- Any inquiry concerning the content of this communication or earlier
 communications from the examiner should be directed to M. Rachuba whose telephone

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number is (703) 308-1361. The examiner can normally be reached on Monday through Friday from 8:30 AM to 4:00 PM. Any inquiries concerning other than the content of this and previous communications, such as missing references or filed papers not acknowledged, should be directed to the Customer Service Representative, Tech Center 3700, (703) 306-5648.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail, can be reached on (703) 308-2687. The fax phone number for this Group is (703) 872-9302.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

M. RACHUBA PRIMARY PATENT EXAMINER ART UNIT 3723

mtr June 4, 2003